

109TH CONGRESS  
1ST SESSION

# S. 254

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 1, 2005

Mr. REID (for himself and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Central Nevada Rural  
5       Cemeteries Act”.

6       **SEC. 2. CONVEYANCE TO LANDER COUNTY, NEVADA.**

7       (a) FINDINGS.—Congress finds that—

1           (1) the historical use by settlers and travelers  
2       since the late 1800's of the cemetery known as  
3       "Kingston Cemetery" in Kingston, Nevada, predates  
4       incorporation of the land within the jurisdiction of  
5       the Forest Service on which the cemetery is situated;

6           (2) it is appropriate that that use be continued  
7       through local public ownership of the parcel rather  
8       than through the permitting process of the Federal  
9       agency;

10          (3) in accordance with Public Law 85-569  
11       (commonly known as the "Townsite Act") (16  
12       U.S.C. 478a), the Forest Service has conveyed to  
13       the Town of Kingston 1.25 acres of the land on  
14       which historic gravesites have been identified; and

15          (4) to ensure that all areas that may have un-  
16       marked gravesites are included, and to ensure the  
17       availability of adequate gravesite space in future  
18       years, an additional parcel consisting of approxi-  
19       mately 8.75 acres should be conveyed to the county  
20       so as to include the total amount of the acreage in-  
21       cluded in the original permit issued by the Forest  
22       Service for the cemetery.

23       (b) CONVEYANCE ON CONDITION SUBSEQUENT.—  
24       Subject to valid existing rights and the condition stated  
25       in subsection (e), the Secretary of Agriculture, acting

1 through the Chief of the Forest Service (referred to in  
 2 this section as the “Secretary”), not later than 90 days  
 3 after the date of enactment of this Act, shall convey to  
 4 Lander County, Nevada (referred to in this section as the  
 5 “county”), for no consideration, all right, title, and inter-  
 6 est of the United States in and to the parcel of land de-  
 7 scribed in subsection (c).

8       (c) DESCRIPTION OF LAND.—The parcel of land re-  
 9 ferred to in subsection (b) is the parcel of National Forest  
 10 System land (including any improvements on the land)  
 11 known as “Kingston Cemetery”, consisting of approxi-  
 12 mately 10 acres and more particularly described as  
 13 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of section 36, T. 16N., R. 43E., Mount  
 14 Diablo Meridian.

15       (d) EASEMENT.—At the time of the conveyance  
 16 under subsection (b), subject to subsection (e)(2), the Sec-  
 17 retary shall grant the county an easement allowing access  
 18 for persons desiring to visit the cemetery and other ceme-  
 19 tery purposes over Forest Development Road #20307B,  
 20 notwithstanding any future closing of the road for other  
 21 use.

22       (e) CONDITION ON USE OF LAND.—

23           (1) IN GENERAL.—The county (including its  
 24 successors) shall continue the use of the parcel con-  
 25 veyed under subsection (b) as a cemetery.

1           (2) REVERSION.—If the Secretary, after notice  
 2           to the county and an opportunity for a hearing,  
 3           makes a finding that the county has used or per-  
 4           mitted the use of the parcel for any purpose other  
 5           than the purpose specified in paragraph (1), and the  
 6           county fails to discontinue that use—

7                       (A) title to the parcel shall revert to the  
 8           Secretary, to be administered by the Secretary;  
 9           and

10                      (B) the easement granted to the county  
 11           under subsection (d) shall be revoked.

12           (3) WAIVER.—The Secretary may waive the ap-  
 13           plication of subparagraph (A) or (B) of paragraph  
 14           (2) if the Secretary determines that a waiver would  
 15           be in the best interests of the United States.

16 **SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.**

17           (a) FINDINGS.—Congress finds that—

18                      (1) the historical use by settlers and travelers  
 19           since the late 1800’s of the cemetery known as  
 20           “Maiden’s Grave Cemetery” in Beowawe, Nevada,  
 21           predates incorporation of the land within the juris-  
 22           diction of the Bureau of Land Management on  
 23           which the cemetery is situated; and

24                      (2) it is appropriate that that use be continued  
 25           through local public ownership of the parcel rather

1       than through the permitting process of the Federal  
2       agency.

3       (b) CONVEYANCE ON CONDITION SUBSEQUENT.—  
4       Subject to valid existing rights and the condition stated  
5       in subsection (e), the Secretary of the Interior, acting  
6       through the Director of the Bureau of Land Management  
7       (referred to in this section as the “Secretary”), not later  
8       than 90 days after the date of enactment of this Act, shall  
9       convey to Eureka County, Nevada (referred to in this sec-  
10      tion as the “county”), for no consideration, all right, title,  
11      and interest of the United States in and to the parcel of  
12      land described in subsection (c).

13      (c) DESCRIPTION OF LAND.—The parcel of land re-  
14      ferred to in subsection (b) is the parcel of public land (in-  
15      cluding any improvements on the land) known as “Maid-  
16      en’s Grave Cemetery”, consisting of approximately 10  
17      acres and more particularly described as  
18      S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of section 10,  
19      T.31N., R.49E., Mount Diablo Meridian.

20      (d) EASEMENT.—At the time of the conveyance  
21      under subsection (b), subject to subsection (e)(2), the Sec-  
22      retary shall grant the county an easement allowing access  
23      for persons desiring to visit the cemetery and other ceme-  
24      tery purposes over an appropriate access route consistent  
25      with current access.

1 (e) CONDITION ON USE OF LAND.—

2 (1) IN GENERAL.—The county (including its  
3 successors) shall continue the use of the parcel con-  
4 veyed under subsection (b) as a cemetery.

5 (2) REVERSION.—If the Secretary, after notice  
6 to the county and an opportunity for a hearing,  
7 makes a finding that the county has used or per-  
8 mitted the use of the parcel for any purpose other  
9 than the purpose specified in paragraph (1), and the  
10 county fails to discontinue that use—

11 (A) title to the parcel shall revert to the  
12 Secretary, to be administered by the Secretary;  
13 and

14 (B) the easement granted to the county  
15 under subsection (d) shall be revoked.

16 (3) WAIVER.—The Secretary may waive the ap-  
17 plication of subparagraph (A) or (B) of paragraph  
18 (2) if the Secretary determines that a waiver would  
19 be in the best interests of the United States.

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